

## REMARKS

Claims 1, 6-12, 14-21, 25-31, 33-40, 42-48, 50-51, 70, 75-79, 81-82, 106 and 108 – 110 are pending in the application. Claims 2 – 4 and 71 – 73 are cancelled herein. Claims 1, 21, 40, 70, 106, 108, 109 and 110 are amended. No new matter was added. Support for the amendments can be found in at least Fig. 22C.

Applicants wish to thank the Examiner for the courtesies conducted during the interview of August 2, 2012. The cited art and the claims were discussed. No agreement was reached.

The Examiner has rejected claim 108 under 35 U.S.C. § 103(a) as unpatentable over Wizig (U.S. Patent No. 6,735,569) in view of Warady et al. (U.S. Patent No. 6,067,522). The Examiner has rejected claims 1 – 4, 6 – 12, 15 – 17, 20 – 21, 24 – 31, 34 – 36, 39 – 40, 42 – 48, 51, 70 – 73, 75 – 79, 82 and 109 under 35 U.S.C. § 103(a) as being unpatentable over Wizig and Warady in view of Valentino (U.S. Patent No. 4,648,037). The Examiner has rejected claims 14, 18-19, 33, 37-38, 50, 81, and 106 under 35 U.S.C. § 103(a) as being unpatentable over Wizig, Warady and Valentino in view of Spurgeon (U.S. Patent No. 5,890,129). The Examiner has rejected claim 110 under 35 U.S.C. § 103(a) as being unpatentable over Wizig, Warady and Spurgeon. Applicants respectfully traverse these rejections.

Claims 1, 40, 106 and 109 include the following claim limitation:

“analyzing the initial purchase selection and making a suggestion of an offer for additional coverage based on the initial purchase selection.”

Valentino fails to disclose this claim limitation. Valentino discloses a computer system that allows for three types of functionality: (1) inquiry; (2) interactive (“what-if”); and (3) transactional. Valentino, col. 8 – 66 – col. 9, line 54. Thus, the consumer may obtain

information about his account(s) (i.e., the inquiry function); input different variables to determine the impact of such variations (i.e., the interactive function); and execute transactions (i.e., the transactional function). Nothing in Valentino, however, teaches receiving an indication from a consumer about what he has selected to purchase (i.e., “the initial purchase selection”) and, based on that selection, making a suggestion of something additional that the consumer may want to purchase (i.e., “an offer for additional coverage”). At best, Valentino discloses communicating to the consumer what his benefits/accounts are, showing how various changes may impact benefits or accounts, and allowing the consumer to execute transactions. To the extent the consumer in Valentino executes transactions, such transactions are not disclosed as being made in response to a suggestion, the suggestion being made based on something the consumer has indicated he wants to purchase. Thus, for at least this reason, claims 1, 40, 106 and 109, and the claims that depend therefrom, are patentable over the cited art.

Claims 21, 70, 108 and 110 include the following claim limitation:

identifying a “predefined contribution, provided to said employee by an employer of said employee, for purchases associated with at least one of (i) the benefit type and (ii) at least one of the plurality of benefit categories”, where “the benefit categories [are] each . . . a subset of the benefit type” and “the line items [are] each . . . a subset of the benefit category.”

Wizig fails to disclose this claim limitation. Instead of including a predefined employer contribution amount for the benefit type and/or for each benefit category, where the benefit type includes a plurality of benefit categories and each benefit category includes subsets of line items, Wizig discloses a *total employer contribution* amount for the *entire health care package*. See Wizig’s Col. 12, lines 24-28. For example, Wizig’s Fig. 24 shows an employer confirmation page for the user “John Michael Jones,” whose

employer Wizig & Company contributes \$5,000 per year to his healthcare services package. The healthcare services package of Wizig cannot be construed to be the claimed “benefit type” or the “benefit category”, at least because, in Wizig, the healthcare services package is not a benefit type, which includes a plurality of benefit categories, each of which includes a subset of line items, nor is the healthcare services package one of a plurality of benefit categories, each of which includes a subset of line items, as required by the claims. Because Wizig merely discloses the total employer contribution for a healthcare services package rather than the employer contribution for the “benefit type” or each “benefit category”, as claimed, Wizig fails to disclose all of the features of the above independent claims. Thus, for at least this reason, claims 21, 70, 108 and 110, and the claims that depend therefrom, are patentable over the cited art.

The other cited references fail to make up for the deficiencies noted above.

Accordingly, for the reasons stated above, the applied references fail to disclose or render obvious all of the features of the independent claims. In addition, the dependent claims are patentable at least for their dependence on the allowable independent claims as well as for the additional features they recite.

Furthermore, with regard to the Declaration under 37 C.F.R. §1.132 filed February 17, 2011, the Examiner stated that the Declaration fails to establish a long felt need for the Applicants’ claimed invention. In particular, the Examiner stated that the Declaration does not show that others were working on the problem or for how long, and that, if persons working on the problem knew of the teachings of the cited references, they would still be unable to solve the problem. Applicants respectfully submit that the Declaration was not submitted to establish long-felt need for the invention and, indeed,

the statements made in the Declaration do not imply this intent. Instead, as expressly stated in the Declaration, it provides statements of third parties indicating that the claimed invention has been recognized in the industry as an innovative approach to consumer-driven health plans and has made an impact on the healthcare industry. The Applicants request that the Examiner reconsider the Declaration.

### **CONCLUSION**

In view of the foregoing Amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and such action is respectfully requested. Should the Examiner determine otherwise, Applicants' representatives suggest a telephone interview in order to expedite prosecution of the application.

Respectfully submitted,

Date: September 12, 2012

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